

D R A F T

MINUTES PESTICIDE CONTROL BOARD MEETING OCTOBER 18, 2007

The Pesticide Control Board met at 9:00 a.m. at the Oliver W. Hill Building, Richmond, VA. Presiding members were Donald Fritz, Chairman and the Executive Secretary.

The following Board members were present: Dr. William Boshier; Dr. George Brown; Donald Fritz; Richard Nunnally; Robin Rinaca; Linda Wallace; Liz White and Joe Wilson. The following Board members were absent: Carl Garrison, III; Mark Tubbs; Dr. Alma C. Hobbs, (represented by Dr. Asmare Atalay); and Dr. Sharron Quisenberry (represented by Dr. Michael Weaver).

The following staff members were present: Dr. Wayne Surles; Donald Blankenship; Todd Haymore; Liza Fleeson; Douglas Edwards; Richard Jones; Joe Dictor; Kathy Dictor; Marshall Trammell; Elaine Lidholm and Rhonda Bates.

Others present: Andrea Coron and Kristin Coron, VA Pest Management Association; Donna Johnson, VA Agribusiness Council; Laurie Coulter, VA Crop Production Association; Wilmer Stoneman, VA Farm Bureau; and Susan Nessler, VA Tech.

CALL TO ORDER

Chairman Fritz called the meeting to order. He introduced Commissioner Haymore who expressed regret for having to leave the meeting, but he and Deputy Commissioner Blankenship were required to attend another meeting concerning the drought affecting Virginia. He told Board members to feel free to share any information with him that will help him grow and learn in his new position.

Chairman Fritz also introduced new Board member Linda Wallace who represents Commercial Sale/Applicator.

DETERMINATION OF A QUORUM

Chairman Fritz announced that a quorum was present.

APPROVAL OF MINUTES

Dr. Brown moved to adopt the minutes of the July 19, 2007, Board meeting. Ms. White seconded. The motion carried unanimously.

PUBLIC COMMENT PERIOD

Andrea Coron, Executive Director of the VA Pest Management Association (VPMA), commented regarding the proposed certification regulation amendments. She specifically addressed 2 VAC 20-51-10 which requires direct, on-site supervision – VPMA finds this unduly burdensome to pest management firms in VA and that it undermines confidence and independence in the new employee; and 2 VAC 20-51-50(B) relating to proctoring of registered technician exams – VPMA does not support deletion of language that currently allows businesses to proctor their own registered technician exams. She stated that VDACS has not provided clear, quantitative data to support revocation of this privilege, and the VPMA supports maintaining a high level of integrity in the registered technician testing protocol; however, both amendments dictate changes burdensome to a large number of member companies. VPMA is dedicated to remaining an active partner in the process pursuing viable solutions to the problems VDACS has identified and the regulations that govern this industry.

COMPLIANCE ACTIVITIES FOR THE QUARTER

Joe Dictor provided a summary of enforcement activities for the quarter.

He also presented case 28573 involving Agra Lawns, where the adjudicator upheld the fact-finding officer's recommendation to reduce the \$2500 civil penalty to \$1500.

Ms. White moved to accept the recommendation of the Adjudicative Conference Officer.

Ms. Rinaca seconded; ayes 11, nays 1. The motion carried.

ADOPTION OF AMENDMENTS TO 2 VAC 20-51 OF RULES AND REGULATIONS GOVERNING PESTICIDE APPLICATOR CERTIFICATION AS FINAL

Chairman Fritz stated that due to a technicality, the Board could not vote on amendments until the January meeting. Comments from VPMA and RISE were received during the comment period and require written response prior to the Board taking action.

SUMMARY OF OPS' CERTIFICATION, LICENSING, REGISTRATION AND TRAINING (CLRT) SECTION FUNCTIONS

Marshall Trammell introduced his staff and defined the duties each performed as well as the operational procedures of the unit. He stated that CLRT is the core functioning unit of OPS.

STATUS OF PESTICIDE APPLICATOR SAFETY TRAINING PROGRAM

Dr. Weaver and Susan Nessler provided updates on the status of manual development and on the pesticide applicator training programs. Dr. Weaver reported on the positive feedback to the 2007 Pesticide Safety Educators Workshop held in Roanoke on October 10-11.

Ms. Nessler reported that five training manuals were reprinted and two new exams were completed.

EXECUTIVE SECRETARY'S REPORT

Dr. Surles introduced Richard Jones, Pesticide Investigator for Lynchburg territory. He reported that pesticide investigators Gary Young and Robert Christian received awards from the 2007 EPA Region III Inspector's Workshop. Virginia will host this workshop in 2008. The Termite Enforcement Plan is succeeding – the manual has been completely revised and four courses are ready for next quarter. The VPMA feasibility study has been postponed.

COMMISSIONER'S/DEPUTY COMMISSIONER'S REPORT

No report.

CHAIRPERSON'S REPORT

Chairman Fritz stated that the civil penalty financial accountability discussion will be considered at the January meeting.

ADJOURNMENT

Meeting adjourned at 11:10 a.m.

(For further detail, taped minutes of the meeting are on file at VDACS and can be accessed by calling 804/225-2223.)